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FISCAL IMPACT REPORT

SPONSOR Griego DATE TYPED 1/25/05 HB _____

SHORT TITLE Child Support Enforcement Judgement Changes SB 191

ANALYST Weber

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY05	FY06	FY05	FY06		
			NFI		

(Parenthesis () Indicate Expenditure Decreases)

Duplicates HB56

SOURCES OF INFORMATION

LFC Files

Responses Received From
Human Services Department

SUMMARY

Synopsis of Bill

The Human Services Department offers the following analysis.

Senate Bill 191 changes one word in the current Parental Responsibility Act from “brought” to “enforced.”

Significant Issues

The Human Services Department comments.

The federal Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996 required every state to implement license suspension and revocation mechanisms. New Mexico revised its laws in 1997 to meet these federal mandates.

The current statute 40-5A-3 may infer that the Child Support Enforcement Division (CSED) can only use the License Suspension tool in child support cases that it has filed with the courts and not other cases that have been referred to it by both custodial and non-custodial parents. This amendment changes the wording in statute from “brought” to “enforced” to treat all CSED customers equally.

CSED uses the license suspension as a tool for child support enforcement. The following licenses can be referred for suspension:

- Drivers Licenses (including commercial and motorcycle permits)
- Recreational Licenses (Game and Fish, boating)
- Occupational Licenses (Teachers, construction, hair dressers, nursing any profession or occupation that requires a license)

PERFORMANCE IMPLICATIONS

The Human Services Department feels the following performance measure may be increased.

Amount of child support collected, in millions of dollars.

The License Suspension tool generates child support collections from cases that are delinquent and often “gets the attention” of non-custodial parents (NCPs) who ignore or evade other enforcement efforts. NCPs are given an opportunity to negotiate a lump sum payment and a payment plan for how they will eliminate their delinquency debt, and when this is accomplished their licenses are returned to them.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL?

The Human Services Department feels CSED will continue to under utilize the license suspension enforcement remedy and fewer families will receive child support payments on arrears. Custodial and Non-Custodial parents will continue to receive unequal treatment due to this unresolved loophole.

MW/lg:yr